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6

7 IN THE UNITED STATES DISTRICT COURT
8
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CASE NO. 2:01-CR-153 GEB

11 Plaintiff,

STIPULATION TO WITHDRAW AND DISMISS
DEFENDANT'S MOTION FOR SENTENCE
REDUCTION AND ORDER THEREON

12 v.

13 PARISH MICHAEL SHERMAN,
COURT: Hon. Garland E. Burrell, Jr.
14 Defendant.

15
16 Whereas, defendant Parish Michael Sherman, in pro per, previously filed a Motion For
Reduction Of Sentence Pursuant To 18 U.S.C. § 3582(c)(2) on February 1, 2012, and an Amended
Motion For Reduction Of Sentence Pursuant To 18 U.S.C. § 3582(c)(2), on February 9, 2012;

17
18 Whereas, on November 13, 2013, Assistant United States Attorney Samuel Wong contacted by
email Assistant Federal Defender David Porter, who formerly represented Mr. Sherman, and inquired:

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21 Mr. Sherman's motion for a sentence reduction is inappropriate as he was sentenced as a
career offender, who received a USSG Section 5K1.1 motion for a downward departure
for substantial assistance to law enforcement. Thus, his sentence was not determined
based on a sentencing guideline that was subsequently lowered by the Sentencing
Commission, the district court lacks jurisdiction to reduce his sentence, and he is not
entitled to a sentence reduction, notwithstanding any post-conviction reduction in the
sentencing guidelines for crack cocaine.

22
23 Please advise me how does Mr. Sherman want to proceed at this point. Does he want to
withdraw his motion? Or does he want the United States to file a formal opposition
memorandum in response to his motion?

Whereas, Assistant Federal Defender David Porter responded and advised Assistant United States Attorney Samuel Wong by email dated November 20, 2013, that stated, in part:

Mr. Sherman has changed his mind and does not want you to have to formally respond to his motion. I'll be sending him a notice of voluntary dismissal of his motion to sign and date, and as soon as I receive it back, I'll file it with the court.

Whereas, a voluntary dismissal of Mr. Sherman's motion for a sentence reduction was never filed;

Whereas, Mr. Sherman completed service of the incarceration portion of his sentence on June 30, 2016; and

Whereas, Mr. Sherman continues to represent himself in pro per and desires to withdraw his motions for a sentence reduction.

It is hereby stipulated by and between Mr. Sherman and the United States that both of Mr. Sherman's previously filed motions for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2), filed on February 1, 2012, and February 9, 2012, respectively, are hereby withdrawn and the Court shall dismiss such motions.

DATED: March 27, 2019

/s/ Parish Michael Sherman

**PARISH MICHAEL SHERMAN,
Defendant**

DATED: March 22, 2019

MCGREGOR W. SCOTT
United States Attorney

By: /s/ Samuel Wong

SAMUEL WONG
Assistant United States Attorney

ORDER

The Court having received, read, and considered the parties' stipulation, and good cause appearing therefrom,

The Court adopts the parties' stipulation in its entirety as its ORDER. The motions for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2), filed on February 1, 2012, and February 9, 2012, respectively, by defendant Parish Michael Sherman are ORDERED withdrawn and dismissed.

It is so ORDERED.

Dated: April 4, 2019

GARLAND E. BURRELL, JR.
Senior United States District Judge

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2 **CERTIFICATE OF SERVICE**

3

4 The undersigned hereby certifies that he is an employee in the Office of the United States
5 Attorney for the Eastern District of California and is a person of such age and discretion to be competent
6 to serve papers.

7 That on April 1st, 2019, she served a copy of:

8 **STIPULATION TO WITHDRAW AND DISMISS DEFENDANT'S MOTION FOR SENTENCE**
9 **REDUCTION AND ORDER THEREON**

10

11 by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and
12 address stated below, which is the last known address, and by depositing said envelope and its contents
13 in the United States Mail addressed to:

14

15 Parish Sherman
16 7100 Shoreline Drive, #30
17 Stockton, California 95219

18 Dated: April 1, 2019

19 By:

20 */s/ Frida V. Saenz*

21

22 FRIDA V. SAENZ